

**Policy on protecting
and supporting Trans,
gender fluid and non-
binary staff and
students**

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1. What this policy covers:

- DMU's commitment to support trans, gender fluid and non-binary staff and students;
- The relevant legal framework;
- Behavioural expectations.

Links to further information and guidance on:

- Identity, names and records management
- Contacts
- Guidance on announcing transition
- Support
- Language
- The importance of pronouns
- Facilities
- Dress code
- How to be a supportive ally
- Guidance for managers

2. DMU's statement of support

- 2.1 The university supports staff and students to live in their affirmed gender(s) (or lack thereof), regardless of that which was assigned at birth.
- 2.2 This policy aims to help ensure that the university's staff, students and visitors are treated with dignity, respect and fairness, and are able to study, work and visit DMU free from harassment and discrimination regardless of their gender identity.
- 2.3 It applies to all prospective, current and former DMU staff and students, and in relation to the avoidance of discrimination, and promotion of good relations, visitors to the university.
- 2.4 This policy applies to non-binary, gender fluid and trans people and is not restricted to those planning, going through or having been through a process of gender confirmation.
- 2.5 This policy should be read alongside DMU's policies and statements available on the DMU website and intranet (such as the Dignity at Work and No Space for Hate policies), which together ensure the values of DMU are upheld and legislative requirements are met.
- 2.6 'Gender reassignment' or being 'transsexual' is one of the nine protected characteristics covered by the Equality Act 2010. In 2016 a Women and Equalities Committee report recommended that the use of the terms 'gender reassignment' and 'transsexual' are outdated and misleading, noting that the preferred umbrella term is 'trans'. While the Equality Act has not been updated, DMU adopts the use of 'trans' as the preferred adjective.
- 2.7 'Trans' is an inclusive term for people whose affirmed gender is different from that

which they were assigned at birth. It is an umbrella terms that covers many different trans identities, statuses and people who have transitioned to their affirmed identity. The definition of what constitutes a trans identity is continually evolving and the associated terminology can be highly individualised, meaning, for example, that a person may associate with a term perceived by others, even within the same community, to be inappropriate. Definitions and language used by trans people should be respected, and you should reflect this language back where it's appropriate to do so. Further information on terminology is outlined in the accompanying guidance

(<https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>).

3. The legal framework

3.1 Trans people receive protection under the Equality Act 2010 and the Gender Recognition Act 2004. The Data Protection Act 2018, the UK General Data Protection Regulation and the Human Rights Act 1998 are also relevant.

3.2 The Equality Act 2010

3.3 The Equality Act makes it unlawful to harass, victimise or discriminate against a person with the protected characteristics of 'gender reassignment' and 'transsexual'. For example, this could include threatening to 'out' a person's trans identity, or harassing a person because of their perceived gender.

3.4 Gender reassignment is a personal, social, and sometimes medical process by which a person's gender appears to others to have changed. Anyone who is perceived to change the gender from which they were assigned at birth, whose gender is fluid, or non-binary is protected from discrimination under the Equality Act. A person does not need to be undergoing medical transition to be protected. For example, a person whose sex was assigned female at birth but identifies as male and lives accordingly without undergoing any medical procedures would be covered.

3.5 The Equality Act also affords protection to people who face discrimination through being perceived by others to be undergoing gender reassignment or who are associated with someone who has the protected characteristic of gender reassignment. This extends to people who identify as non-binary or gender fluid.

3.6 The Act allows for voluntary positive action measures to be taken in order to help alleviate disadvantage and underrepresentation experienced by trans people, and to help meet their particular needs.

3.7 The Gender Recognition Act 2004

3.8 The Gender Recognition Act 2004 allows people who meet certain criteria to apply for a Gender Recognition Certificate. This certificate allows them to amend their sex marker on their birth certificate.

3.9 The Act gives trans people privacy rights and makes it a criminal offence for someone who acquires information in an official capacity about a person's trans identity to pass that information to a third party without the consent of the trans person. For example, this might be a personal tutor disclosing the information to those that manage records

without having first sought the student's written permission to do so.

3.10 The Data Protection Act 2018 and the UK General Data Protection Regulation

3.11 DMU understands that legislation around trans status and gender reassignment under the Data Protection Act 2018 and the UK General Data Protection Regulation, are complex and unclear as regards whether these constitute 'special category data'. However, we recognise the vulnerabilities of our trans staff and students, and accordingly, we will treat this information similar to special category data. This means that information relating to a person's trans status should not be recorded or passed to another person unless certain conditions are met.

3.12 It should be noted that the definition of 'processing' under the Act is very broad, defined as any operation or set of operations performed upon personal data. The processing of sensitive personal information/special category data requires data controllers to take additional precautions to protect the data beyond those required for the processing of less confidential personal information.

3.13 Whilst not applicable in all circumstances of processing special category data, we recommend that for trans staff and students explicit consent to process/pass the information on is sought, for the avoidance of doubt, to protect the privacy of our trans staff and students.

3.14 DMU will protect the right to confidentiality for gender fluid, non-binary and trans people, and will handle all enquiries and data sensitively and in accordance with the legislative requirements.

3.15 The Human Rights Act 1998

3.16 The Human Rights Act 1998 affords protection to all people in respect of their right to a private life (which includes their right to express their gender identity, to live a particular lifestyle and to choose the way they look and dress). In addition, the Act requires that personal information should be kept securely and not shared without the permission of the individual concerned.

3.17 The Act also gives a right to freedom from degrading treatment which could include, for example, the exclusion of a trans person from facilities that are appropriate to their gender.

4. Supporting trans people, meeting legal requirements, and how to report bullying discrimination, harassment

4.1 The Equality Act makes it unlawful to harass, victimise or discriminate against a person with the protected characteristic of gender reassignment, and the university will not tolerate bullying, harassment, or any form of intimidation or discrimination of those working, studying or engaging with the university. This applies to all characteristics including unfavourable treatment based on gender identity (including gender fluidity and non-binary), perceived gender identity, or through association with a trans person. For example, this could include threatening to 'out' a person's trans identity, or harassing a person because of their perceived gender.

- 4.2 Transphobia is behaviour that seeks to undermine the rights, dignity and legitimacy of people to live in their affirmed or non-binary gender. It can be directly targeted at people, the trans community in general, or against systems and organisations that support the rights of trans people. Transphobia may not always be obvious and direct but could be subtle and also disguised. Transphobia will not be tolerated at DMU – section 4 below and the guidance outlines how to report instances of transphobia
<https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>.
- 4.3 You should utilise names and pronouns (where identified by the individual) and reflect their preferred language (where identified by the individual) when referring to trans people (see 2.7 above). For further information on pronouns and terminology, please read the guidance
<https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>.
- 4.4 Asking questions about a person’s trans history, status or other questions that could be considered invasive, could constitute harassment and should not be asked. In the case of trans athletes however, this may be required – please refer to section 5 below.
- 4.5 Revealing a person’s trans identity without their express consent is illegal in legislation outlined in section 3. Information around a person’s trans identity should be kept confidential unless the trans individual has consented to the further release of this information, and the parameters around this should be clear. It is advised this consent is written consent to avoid confusion.
- 4.6 Students are bound by the student policy on dignity and respect (students); as such, any student found to be acting in a transphobic manner, or in a way not congruent with this policy will be dealt with according to the process outlined in it.
- 4.7 Trans and non-binary people have the right to wear clothes, including uniforms, and use university spaces congruent with their affirmed gender.
- 4.8 For students - if you witness transphobia, you can report this through **No Space for Hate**.
a. No Space for Hate (NSFH) is part of our commitment to challenge inappropriate behaviours and provide practical support to students who are victims or witnesses of hate or harassment. The NSFH policy, anonymous reporting tool and a specialised service providing support and reporting options can be found on the NSFH webpages: <https://www.dmu.ac.uk/current-students/no-space-for-hate/index.aspx>
b. For more information on the support available for students, please read the guidance <https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>
- 4.9 For staff – please contact your HR Partner, Equality, Diversity and Inclusion, or security (if appropriate). All contact details are listed in the guidance
<https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>
- 4.10 For more information on the support available for staff, please read the guidance
<https://demontfortuniversity.sharepoint.com/sites/DMUHome/org/EGLS/equality/Pages/Trans%20and%20non-binary%20guidance.aspx>

5. Time Off

- 5.1 **Staff** - DMU recognises that time off associated with transitioning may be required. All requests for taking time off to attend appointments associated with transitioning will be considered reasonably and in line with the relevant policies, including (where applicable), annual leave policies, the Attendance Management Policy and Special Leave Policy. All requests for time off should in the first instance be made to line managers.
- 5.2 **Students** - De Montfort University recognises that time off associated with transitioning may be required and all requests for taking time off to attend appointments associated with transitioning will be considered reasonably and in line with the policies of the [Academic Support Office](#).
- 5.3 For planned short term absences (i.e. less than one week) the student should inform all relevant tutors, including their Personal Tutor, to avoid being marked as absent (as per any other appointment e.g. a medical appointment). Students should do their best to catch up on their work, and tutors will be able to advise what materials are available (including as part of DMUReplay) to assist with this.
- 5.4 For longer term absences that mean work or assessment periods will be affected, students can apply for a deferral or extension. Evidence of the reason for the request should be provided and the request made in advance whenever possible. Retrospective requests are rarely granted.
- 5.5 For long term absences or multiple short term absences, students may want to consider formally interrupting their studies.
- 5.6 Further information is available on the Academic Support Office webpages of the student gateway <http://www.dmu.ac.uk/dmu-students/the-student-gateway/academic-support-office/academic-support-office.aspx>.

6 Applicants to DMU

- 6.1 Proof of legal identity is required from all staff and students, either (or both) at application and at registration. This must match with evidence of qualifications and other eligibility to study or work requirements, for example previous educational qualifications and visa documentation.
- 6.2 Where an applicant has transitioned but not yet applied for, or received new supporting documentation required for their application, they should submit proof that corroborates the documentation. Suitable proof is considered to be:
- Registered statutory declaration of name change (enrolled deed poll – see: <https://www.gov.uk/change-name-deed-poll/enrol-a-deed-poll-with-the-courts>).
 - Gender Recognition Certificate (only if the student wishes to present this – this cannot be requested by DMU).
 - Birth certificate.
 - Driving licence.
 - Passport.
- 6.3 Where a legal name change has not been made, DMU is able to change the alias / known as name and gender of applicants, which will be reflected appropriately in future staff and

student records. However, DMU records can be derived or automatically updated using the records held by external organisations. As such the university strongly recommends that applicants inform other relevant organisations involved in the recruitment process (such as UCAS) of name changes.

- 6.4 DMU is unable to liaise with UCAS and other external organisations engaged in the admissions process and cannot be responsible for correspondence from them adopting an applicant's preferred name.
- 6.5 Trans applicants who have not yet applied for or received new supporting documentation should contact the Head of Admissions (students) or the Assistant Director of Human Resources (staff).
- 6.6 **Students that require a visa for studying at DMU**
- 6.7 Legislation protecting the rights and freedoms for non-UK applicants may differ to those which exist in the UK. In order to meet UKVI requirements the given and family names recorded on our student database for students that require a visa must correspond with the given name and family name as written on the student's passport and/or visa documents. It is possible for visa national students to follow the process set out in the policy and request for a known as name to be used in the application and subsequent processes.

7 Degree Certificates

- 7.1 Degree certificates are issued in the legal name of the student. Degree certificates can be re-issued in the new name of DMU graduates upon receipt of the former degree certificate along with evidence of a legally registered name change - suitable proof is considered to be:
- Registered statutory declaration of name change (enrolled deed poll – see: <https://www.gov.uk/change-name-deed-poll/enrol-a-deed-poll-with-the-courts>)
 - Driving licence.
 - Passport.
 - Birth certificate.
 - Gender Recognition Certificate (only if the student wishes to present this – this cannot be requested by DMU).
- 7.2 DMU does not charge trans students for re-issuing a certificate in these circumstances.
- 7.3 If you have not changed your name legally, whilst your degree certificate will be in your legal name, your preferred name will be read out as you enter the stage to collect your certificate and reflected in the graduation brochure. If you would prefer not to receive your degree certificate on the day itself, please inform the Deputy Director of Student and Academic Services, who will make arrangements for you to receive this after your graduation day.

8 Information for trans athletes

- 8.1 DMU aims to be inclusive of trans people in sport; it offers several mixed sports, a range of opportunities which are non-competitive, and delivers inclusion training to all clubs.

- 8.2 DMU wishes to support students to participate in their chosen sport, however, competitive sports governing bodies set regulations which DMU must follow in order for students to participate, which may not always make this possible.
- 8.3 Due to sporting regulations set out by national governing bodies or international federations, staff within DMU Sport may need to ask certain questions related to a trans person's history. However, this will be limited to those which are absolutely necessary to determine the categories in which a trans athlete can compete. This information will be limited only to those who absolutely need to know, and will be discussed with the individual before this is passed to the governing body or federation.
- 8.4 If you are interested in participating in competitive sport during your time at DMU, please contact DMU Sport for further information, who will be able to advise you on the current regulations and available options.